

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

ISABEL ZELAYA, et al.,

Plaintiffs,

v.

ROBERT HAMMER, et al.,

Defendants.

C.A. No. 3:19-CV-00062- TRM-CHS

**PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Proposed class representatives Maria del Pilar Gonzalez Cruz and Catarino Zapote Hernández hereby move, pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure, to certify a class of “[a]ll Latino individuals working at the Southeastern Provision meatpacking plant in Bean Station, Tennessee on April 5, 2018 who were detained”¹ (hereinafter, the “Class”). Plaintiffs seek certification of their claims under 42 U.S.C. § 1985(3) for conspiracy to violate equal protection and § 1986 for failure to prevent those violations.

As more fully set forth in the supporting Memorandum of Law, Defendants, who are employees of U.S. Immigration and Customs Enforcement, Homeland Security Investigations, Enforcement and Removal Operations, Customs and Border Protection, and the Internal Revenue Service, with assistance from law enforcement officers from the Tennessee Highway Patrol and the Morristown Police Department, planned and executed a workplace raid at a meatpacking plant in Tennessee, where they forcefully seized and arrested approximately 100 Latino workers on the

¹ Fourth Amended Complaint (Doc. 396 ¶ 113).

basis of their race and ethnicity, in violation of the workers' civil rights. Plaintiffs' evidence demonstrates that they and others similarly situated were subjected to Defendants' common plan and actions. Plaintiffs meet the requirements for certification because the proposed Class is sufficiently numerous that joinder is impracticable, there are numerous questions of law and fact common to the Class, the claims of the named Plaintiffs are typical of those of the Class, the proposed class representatives are adequate, and the putative Class is represented by qualified class counsel. Additionally, common questions of law and fact predominate over those affecting only individual class members, and a class action is a superior method of adjudicating the case. The Class is readily ascertainable with reference to objective criteria, including information in Defendants' possession.

Plaintiffs respectfully request that the Court grant this Motion and issue an Order: (1) certifying the proposed Class and authorizing the 42 U.S.C. §§ 1985(3) and 1986 claims to proceed as class claims; (2) designating Ms. Gonzalez Cruz and Mr. Zapote Hernández as Class Representatives; (3) appointing as class counsel the attorneys and law firms listed in the Class Counsel Declarations² filed as Exhibits 1-4 to Plaintiffs' Opening Memorandum Of Law In Support Of Class Certification; and (4) ordering that notice of this action be provided to the Class.

For the reasons stated more fully in the accompanying memorandum, Plaintiffs' Motion should be granted.

² The law firms and counsel listed in the Class Counsel Declarations are: Southern Poverty Law Center, National Immigration Law Center, Sherrard Roe Voigt & Harbison, PLC, Eben Colby, Esq., Jeremy Berman, Esq., and Arthur Bookout, Esq.

DATED: May 31, 2022

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CERTIFICATE OF SERVICE

I, Jeremy A. Berman, hereby certify that on May 31, 2022, a true copy of Plaintiffs' Motion for Class Certification was served by electronic service upon the following counsel:

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